

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Cheol Kim	Art Unit	: 3713
Serial No.	: 09/254,058	Examiner	: Kathleen M. Mosser
Filed	: June 14, 1999	Action Date	: June 12, 2008
Title	: CAPTION TYPE LANGUAGE LEARNING SYSTEM USING CAPTION TYPE LEARNING TERNIMAL AND COMMUNICATION NETWORK		

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: 571-273-8300

Renewed Petition under 37 C.F.R. §1.137(b)

Dear Sir:

This is in response to Decision Notice of June 12, 2008 re the above-referenced application. Applicant had submitted a Petition to Revive *Unintentionally* Abandoned Application under 37 CFR 1.137(b) together with an amendment, to which the Office of Petition dismissed the petition. Applicant respectfully requests reconsideration to grant the petition with reference to the following statement.

Further attached are Statements by Applicant (Mr. Kyu Jin Park) and Applicant's Korean local counsel (Mr. Won-Il Lee, attorney of Youme Patent Law Firm in South Korea)

*The Commissioner is hereby authorized to charge additional fees, if any, or credit any overpayment to **Deposit Account No 50-3566**.*

Requirements of a Proper Statement of Unintentional Delay

A grantable petition under 37 CFR 1.137(b) requires: (1) the replay; (2) the petition fee under 37 CFR 1.17(m); (3) *a statement that the entire delay was unintentional*; (4) a terminal disclaimer under 37 CFR 1.137(d). The Petition Examiner has dismissed the renewed petition, stating it lacks *item (3)*. The Applicant respectfully submits *the delay and abandonment of the instant application was unintentional* as disclosed further below.

Applicant's Statement Attached in Separate Sheet

Applicant, Mr. Kyu Jin Park (Park), discloses in the statement that the financial turmoil of his own did lead to the abandonment of this application beyond his own intention. Park states that the accumulated charge by both of his Korean local counsel, Youme Patent Law Firm (Youme), and Youme's U.S. associate Warner Norcross & Judd LLP (WNJ), exceeded US\$30,000 and Park could not pay the bill because at that time his business fell in critical recession and he lost two billion Korean won (worth about two million U.S. dollars). It seems that he had been charged too much for dealing of a simple invention ("Caption Type Language Learning System") but definitely the charge beyond his capacity at the time of financial difficulty must have been the main reason why he had to give up this application. Considering the foregoing and Applicant's Statement, it should be clear that *no intention was involved in abandonment* of his application other than non-payment to the two counsels.

Statement of Korean Local Counsel

The Korean local counsel, Mr. Won-Il Lee (Lee), attorney of Youme, cooperated and disclosed the facts in the history of this application. In his statement attached herewith, Lee agrees to the fact that the abandonment of this application results from Park's financial crisis though Park wanted to maintain the application. When Park failed to pay the pending balance, Lee had to instruct WNJ to give up the application. Apparently, the abandonment of this application was caused by Park's financial crisis and it was not his intention.

Petition Now Grantable

The petition officer stated "Petitioner need to explain why Park's failure to pay his attorney fees was not an intentional abandonment of this application." Now it should be legitimate to believe that the statements by Park and Lee suffice request of the petition officer.

Conclusion

Applicant respectfully requests reconsideration of the petition and transfer of the amendment to the corresponding Art Unit. If it is believed that a telephone conversation would expedite the decision, the Petition Examiner is invited to contact the undersigned attorney at the number listed below.

Respectively submitted.

Date: December 12, 2008



James E. Bame
Regis. No. 44521
Tel: 213-384-7200
IPLA P.A.
3580 Wilshire Blvd 17th Fl.
Los Angeles, CA 90010

Written statement

Won-Il Lee, who works for Youme Patent & law firm as a patent attorney, states the followings with respect to the US application 09/254,058(hereinafter referred to as the present case application).

Followings

The present case application was filed with USPTO on June 14, 1999 based on the PCT application (application number: PCT/KR98/00202) filed on July 10, 1998. Youme Patent & Law Firm (Youme) entrusted the present case application on May 4, 2000 and managed the same with its documentation number of OPN20000045US.

1. A restriction requirement was issued on May 31, 2002 with respect to the present case application, and a response for electing Group I was submitted on June 24, 2002. A second office action was issued on September 11, 2002 with respect to the present case application, and a final office action was issued on April 9, 2003, and an advisory action was issued on July 23, 2003. A corresponding response was submitted with respect to each office action.

2. Since then, a further office action was issued on October 3, 2003. The applicant wanted amendment but started to financially suffer due to his tumbling business. Up until the last moment of the six-month expiration to response the Office Action, the applicant repeated his promise to pay all of pending balances to Youme in South Korea and the U.S. agent which is Warner Norcross & Judd LLP (WNJ).

3. In consideration of the applicant's payment promise, I requested WNJ to pay three-month extension fee and submit amendment. However, instantly I figured out over telephone conversation with the applicant that the applicant's financial situation worsened and he was not capable of paying the non-paid amount of more than US\$30,000 including the service charge of Youme and the fees charged from WNJ. So, I sent an e-mail to Mr. Chuck Burpee of WNJ, who was handling the present case application, for informing that any work, which could cause costs, should not be proceeded since the applicant (Park Kyu-jin) is in a financial crisis. It turned out that WNJ paid for the three-month extension but did not submit amendment.


4. I continued to ask the applicant to resolve the non-paid amount of money and to ask the applicant to continue or not the present case application, and the applicant confirmed to continue the present case application but he failed to pay the pending balance because of the applicant's financial crisis. So, I had to instruct Mr. Chuck Burpee of WNJ to give up the proceeding of the present case application.

December 4, 2008

Won-Il Lee

Patent Attorney

Youme Patent & Law Firm

Wonil, Lee 

Written statement

Park Kyu-jin, who is an applicant of the present patent application, states the followings with respect to the US patent application 09/254,058 (hereinafter referred to as the present case application).

Followings

I am a self-employed venture businessman and have tried to implement the present invention. The present invention was adapted to MP3, and the MP3 was mass-produced and was sold since July 2000. Despite its excellent performance, my business was failed due to a poor marketing. As a result, about 2 billion won was consumed, which economically forced me into a critical recession.

At this time, Youme, which is my Korean local agent, asked me to pay about US\$30,000 including its service charge and a fee of the US agent, and I could not afford the money. So, Youme informed me of no further proceedings which could cause costs if I could not pay the money, but I could not find any way to pay the money. So, I gave up the proceeding of the application but the give-up of the application was not my intention. Later I was so happy to hear that my application could be revived by filing a petition to revive an unintentionally abandoned application. Now my business can barely finance the fees. I believe my business will boost if this application is granted to a patent.

December 4, 2008

Kyu Jin Park
Applicant:

